IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
W.P.L.NO. 1533 OF 2006

Ms.Anuradha Gowardhan Mache ..Petitioner

Vs.

The State of Mah. and
Anr. ..Respondents

...
Mr.Ashok M.Saraogi Adv. for Petitioner
Mr.A.A.Kumbhakoni Associated Advocate General
with Mr.B.B.Saraf AGP for Respondents
...

**CORAM: F.I.REBELLO AND**
**SMT.V.K.TAHILRAMANI,JJ.**
**DATE : JULY 19, 2006**

**P.C.**

1. Heard the learned advocates for the parties.

2. Petitioner by this petition, challenges the admission to the M.B.B.S. Course. The challenge is basically three-fold. It is firstly set out that in so far as defence personnel are concerned, Municipal colleges have not been included. It is secondly set out that admission is divided into three regions and consequently, the same is arbitrary and lastly, it is pointed out that though the students not being domiciled, have been held to be eligible and admitted.

3. In so far as the first contention is concerned, wherever the Government has decided to include the municipal colleges for the purpose of reservation, they have so indicated. Rules indicate that in so far as physically handicapped are concerned, there is a reservation in municipal colleges. There is no reference in so far as wards of defence or ex-defence personnel. Even otherwise, the averments made in the petition by the petitioner are that municipal colleges should be treated as Government aided colleges. There is no averment in the petition by the petitioners that municipal colleges are receiving grant-in-aid from the Government. Considering the above, the first contention has to be rejected.

4. We may now deal with the second contention that Maharashtra has been divided into three regions for the admission of defence personnel. We have seen the brochure as also the Rules of admission to the medical Institutions. Rules provide that 70% of the seats are to be filled in from the region of the Board, meaning thereby the regions of the Vidarbha, Marathwada and rest of Maharashtra. 30% of the seats are to be filled in from all over Maharashtra. It is

on this basis that seats have been filled in. There is no challenge by the petitioner to these allocations. Once that be the case and once there are Rules, and admissions are based on those Rules, we do not think that there is any merit in the contention as raised, that the respondents are failing to follow the Rules. That challenge must also be rejected.

5. Lastly, it is submitted that students who have been admitted, do not have domicile in State of Maharashtra. There is no concrete averments set out, or material placed. However, if any complaints are received, the Respondents shall enquire into the same and deal with the allegations and if they found that the students who are not eligible, have been admitted, cancel their admissions.

6. With the above observation, writ petition stands disposed of.

[ F.I.REBELLO, J.]

[ SMT.V.K.TAHILRAMANI,J.]